

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BRUCE PAUL BYBEE,
Plaintiff,

v.

No. CV-10-997 KBM/CEG

PODRAVKA PREHRAMBENA INDUSTRIA D.D., *et al.*,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. FED. R. CIV. P. 4(m) provides:

If a service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time

Plaintiff filed his Complaint on October 21, 2010. (Doc. 1). More than 120 days have elapsed since then, and there has been no further activity in this case. The inherent power of the Court to dismiss for lack of prosecution is well-established. *AdvantEdge Bus. Grp. v. Thomas E. Mestmaker & Assocs., Inc.*, 552 F.3d 1233, 1236 (10th Cir. 2009). Therefore, pursuant to FED. R. CIV. P. 41(b), Plaintiff is directed to show good cause within ten (10) days of the date of this notice, why this action should not be dismissed for failure to prosecute. Plaintiff is advised that this action will be dismissed thirty (30) days from the date of this Notice unless good cause is shown for its retention on the Court's docket.



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE